

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

YANCEY D. TAYLOR,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No.: 2:18-cv-01148-MPK
)	
FRONTIER AIRLINES, INC.,)	Magistrate Judge Maureen P. Kelly
)	
<i>Defendant.</i>)	

SECOND JOINT MOTION TO EXTEND TIME TO COMPLETE ADR

Plaintiff YANCEY D. TAYLOR (“Plaintiff”) and Defendant FRONTIER AIRLINES, INC. (“Frontier”), each by their undersigned counsel, bring this Second Joint Motion to Extend Time to Complete ADR, and respectfully state as follows:

1. This personal injury action arises out of an incident that allegedly occurred on December 5, 2016, onboard Frontier Flight 1093 from Pittsburgh, Pennsylvania to Las Vegas, Nevada. (Doc. #1-2.) Plaintiff was a passenger on Flight 1093 and alleges that a flight attendant “slammed a drink cart into [his] right knee, startling him [and] causing his head to violently hit the back of his seat.” *Id.* at ¶11.

2. On October 5, 2018, the parties filed their Amended Stipulation Selecting ADR Process and elected Early Neutral Evaluation (“ENE”) with Judge Gary Caruso (Ret.). (Doc. #16.)

3. Following the initial case management conference, pursuant to Section 4.4(B) of this Court’s ADR Policies and Procedures, this Court ordered the parties to complete ENE by December 10, 2018. (Doc. #19.)

4. On October 16, 2018, the parties filed a Joint Motion to Extend Time to Complete ADR and asked this Court to extend the time to complete ENE until January 15, 2019. (Doc. #21.)

5. On October 17, 2018, this Court granted the parties' motion and ordered them to complete ENE by January 15, 2019. (Doc. #23.)

6. The parties now respectfully request that this Court grant them a second extension of time, until February 13, 2019, to complete the ENE. Good cause exists for this extension. On January 2, 2019, this Court amended certain sections of its ADR Policies and Procedures. Specifically, this Court amended Section 4.4(B) to state,

Unless otherwise ordered or extended by the Court for good cause shown pursuant to Section 4.5 infra, the ENE shall be held within 60 days after the initial scheduling conference This is a presumptive timeline for the ADR proceedings, subject to adjustment by the Court to meet the needs of the case.

7. Here, the parties require additional time in order to engage in meaningful settlement discussions. Necessary representatives at Frontier and Allianz were not available to consider settlement options in the weeks leading up to the January 15, 2019 deadline on account of the 2018 holiday season. Additionally, Judge Caruso had limited availability for the ENE in late December/early January 2019. And, Plaintiff recently provided additional signed authorizations for release of his medical records which will allow Frontier to obtain records from three more entities. These records are relevant to Frontier's investigation of this claim and its development of defenses and identification of fact witnesses.

8. The parties have scheduled the ENE with Judge Caruso for Wednesday, February 13, 2019 at 10:00 a.m.

9. Both parties concur in this request for extension of time to complete ENE. No party will be prejudiced by the granting of this motion.

WHEREFORE, Plaintiff YANCEY D. TAYLOR and Defendant FRONTIER AIRLINES, INC. respectfully request that this Honorable Court grant their Second Joint Motion to Extend Time to Complete ADR, extend the deadline for the parties to complete ENE until February 13, 2019, and for such other relief as this Court deems necessary and proper.

Date: January 10, 2019

Respectfully Submitted,

YANCEY D. TAYLOR

FRONTIER AIRLINES, INC.

By: /s/ Kevin S. Burger
Attorney for Plaintiff

By: /s/ Tara Shelke
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CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2019, I caused the foregoing to be electronically filed with the United States District Court for the Western District of Pennsylvania using the CM/ECF system.

By: /s/ Tara Shelke
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